UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT SEATTLE

JACOB ANDREW BERGERON,

Petitioner,

NO. C16-358-JLR-JPD

v.

REPORT AND RECOMMENDATION

M TRIZUTO, et al.,

Respondents.

Proceeding *pro se*, petitioner filed a proposed habeas corpus petition pursuant to 28 U.S.C. § 2241. By letter dated March 10, 2016, petitioner was granted 30 days to either pay the filing fee or submit a completed application to proceed *in forma pauperis* ("IFP"), along with a certified copy of his prison trust account statement showing transactions for the past six months. Dkt. 2. Petitioner was advised that failure to respond to the letter by April 11, 2016, could result in dismissal of the case. *Id*.

To date, petitioner has neither paid the filing fee nor submitted a completed IFP application. Accordingly, the Court recommends that this action be DISMISSED without prejudice for failure to pay the filing fee pursuant to 28 U.S.C. § 1914. A proposed order accompanies this Report and Recommendation.

Objections to this Report and Recommendation, if any, should be filed with the Clerk
and served upon all parties to this suit by no later than May 13, 2016. Failure to file objections
within the specified time may affect your right to appeal. Objections should be noted for
consideration on the District Judge's motion calendar for the third Friday after they are filed.
Responses to objections may be filed within fourteen (14) days after service of objections. If
no timely objections are filed, the matter will be ready for consideration by the District Judge
on May 20, 2016.
This Report and Recommendation is not an appealable order. Thus, a notice of appeal
seeking review in the Court of Appeals for the Ninth Circuit should not be filed until the

assigned District Judge acts on this Report and Recommendation.

DATED this 22nd day of April, 2016.

amer P. Donobue YAMES P. DONOHUE Chief United States Magistrate Judge